

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-cr-20427

v.

Honorable Thomas L. Ludington

D-5 MELVIN ANDREW MORRIS,

Defendant.

**ORDER GRANTING MOTION TO STRIKE, STRIKING DOCUMENT, AND
DIRECTING SERVICE**

On November 3, 2015, Defendant Melvin Morris filed a document by mail titled “Local Criminal Rule 47. Motions[.]” *See* Def.’s Mot., ECF No. 177 (sic to formatting). The document is of poor quality and is barely legible. It was filed directly with the Clerk of Court by Morris. Morris is currently represented by counsel. The Government moved to strike the document and Morris’s counsel concurred in the relief sought. *See* Gov’t’s Mot. Strike, ECF No. 178.

“It is well settled that there is no constitutional right to hybrid representation.” *United States v. Lowdermilk*, 425 F. App’x 500, 504 (6th Cir. 2011) (quoting *United States v. Cromer*, 389 F.3d 662, 681 n.12 (6th Cir.2004)) (internal quotation marks omitted). Absent any proof that Mr. Jacobs, Morris’s counsel in this matter, is not able and competent to represent him, pro se appearances will not be entertained. *See Lowdermilk*, 425 F. App’x at 504 (finding no abuse of discretion in denying hybrid representation where defendant’s lawyer was “competent and capable.”) Generally, litigants must choose between proceeding pro se and proceeding with counsel. *United States v. Mosely*, 810 F.2d 93, 97 (6th Cir. 1987) (quoting *United States v. Conder*, 423 F.2d 904, 908 (6th Cir. 1970)). The choice of one means of representation precludes

reliance on the other. *Id.* Permitting deviation from this rule “is a matter committed to the sound discretion of the trial court.” *Id.* Morris has presented no proof that his defense will be compromised if he is not allowed to proceed *pro se*, or that his counsel is deficient in representing him. His document will be stricken.

Morris has already requested the substitution of one attorney. That request was granted. He will not be given another attorney absent a compelling showing of good cause. His final pretrial conference is scheduled for November 18, 2015 and his trial is set to commence on December 1, 2015. He is forewarned against attempting to delay the current proceedings by requesting new counsel.

Accordingly, it is **ORDERED** that the Government’s motion to strike, ECF No. 178, is **GRANTED**.

It is further **ORDERED** that the Defendant Melvin Morris’s document titled “Local Criminal Rule 47. Motions,” ECF No. 177, is **STRICKEN**.

It is further **ORDERED** that Defendant Morris’s attorney, Stevens Jacobs, is **DIRECTED** to serve a copy of this order on Defendant Morris **on or before November 18, 2015** and file a proof of service on the Court’s docket.

Dated: November 16, 2015

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 16, 2015.

s/Michael A. Sian
MICHAEL A. SIAN, Case Manager